

REMARKS

Claims 1-30 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Restriction Requirement:

Applicants respectfully traverse the restriction requirement stated in the Final Action. The Examiner stated that amended claims 1-30 are directed to an invention that is independent or distinct from the invention originally claimed. However, the independent claims were simply amended to include an original limitation from the dependent claims. For example, claim 1 was amended to include a limitation from claim 9. The language deleted from claim 1 was superfluous since by stating that the trace generator is configured to store the exceptional instruction in a *different trace cache entry than any non-exceptional instructions*, it is clear that the exceptional instruction is *not stored in a same one of the plurality of trace cache entries as any non-exceptional instruction*. Since this limitation was already recited in claim 9, the Examiner's assertion that Applicants are now claiming an invention different from what was originally claimed is clearly incorrect.

Applicants further traverse the restriction requirement on the grounds that the Examiner has failed to state a proper requirement for restriction. According to M.P.E.P. § 808:

Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections. (underline emphasis added).

The Examiner has completely failed to even attempt to satisfy either of the requirements of M.P.E.P. § 808. The Examiner has provided no reasons whatsoever as to why each invention as claimed is either independent or distinct from the other. For

example, the Examiner did not assert that different species had been claimed or that a combination-subcombination had been claimed. Nor has the Examiner provided any reasons whatsoever as to why there would be a serious burden on the examiner if restriction is not required. It is the Examiner who has the burden to state a proper restriction requirement. The restriction requirement is improper since the Examiner did not state a complete restriction requirement per M.P.E.P. § 808.

CONCLUSION

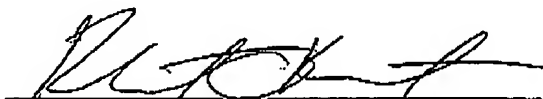
Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-88800/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: July 30, 2006